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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

Effective upon publication in the FEDERAL REGISTER, paragraph (d) (1) of § 6.311 is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-8500; Filed, Oct. 22, 1956; 8:52 a. m.]

PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

DEFINITIONS

In F. R. Doc. 56-7911, Filed, October 1, 1956, a sentence was inadvertently omitted from § 25.102 (j). As amended the paragraph reads as follows:

§ 25.102 *Definitions.* As used in this subpart, and in making salary adjustments upon change in type of appointment, employment status, or position of the employee, words and terms are defined as follows:

* * * * *

(j) "Highest previous rate" is the highest basic salary rate previously paid to a Federal civilian employee occupying a position in a department as defined in section 201 (a) of the Classification Act of 1949, as amended, or in a mixed ownership corporation, or in a position in the legislative or judicial branch, before transfer in accordance with section 2 (b) or (c) of Public Law 880, 76th Congress, as amended, irrespective of whether or not such position is subject to the pay schedules of the Classification Act. The highest previous rate must be based on a regular tour of duty at such rate (1) under an appointment not limited to 90 days or less, or (2) for a continuous period of 90 days under one or more appointments without a break in service. If such highest previous rate was earned in a Classification Act position, it shall be increased by any subsequent amendments to the Classification Act pay schedules. If such highest previous rate was earned in a position not subject to the Classification Act, it shall be increased only by those amendments to the Classification Act or other applicable statutory amendments which were enacted during a period when the employee was not in civilian service as described above.

(Sec. 1101, 63 Stat. 971; 5 U. S. C. 1072)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-8499; Filed, Oct. 22, 1956; 8:51 a. m.]

PART 30—ANNUAL AND SICK LEAVE REGULATIONS

DEPARTMENT OF COMMERCE; LIST OF OFFICERS EXCLUDED FROM COVERAGE

Effective upon publication in the FEDERAL REGISTER the following positions are added to Appendix A.

DEPARTMENT OF COMMERCE

* * * * *

2. Director of Census.
3. Commissioner of Patents.
4. Chief of Weather Bureau.
5. Director, National Bureau of Standards.

(Sec. 206, 65 Stat. 681; 5 U. S. C. 2065. Interprets or applies sec. 202, 65 Stat. 679, as amended; 5 U. S. C. 2061. E. O. 10540, 19 F. R. 3983, 3 CFR, 1954 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-8501; Filed, Oct. 22, 1956; 8:52 a. m.]

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out", "dull", "sullen", "what's-the-use", "bogged down", "grumpy", "run-down", or "gloomy", in excess of such temporary relief therefrom as may be afforded by an evacuation of the bowels in those cases in which such symptoms or conditions are associated with and caused by constipation;

(n) That said preparation is a competent or effective treatment for indigestion or retarded digestion;

(o) That said preparation is a competent or effective treatment for biliousness.

(2) Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, in which the word "Liver" is used in the trade name for the respondent's preparation.

(3) Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said product in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representation prohibited in paragraphs (1) and (2) hereof.

It is further ordered, That the charges of the complaint as they relate to the respondent Street & Finney, a corporation, be, and the same hereby are, dismissed without prejudice to the right of the Commission to take such further action as future conditions may warrant.

It is further ordered, That the respondent, Carter Products, Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: October 4, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-8483; Filed, Oct. 22, 1956; 8:48 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter A—General

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

TESTS REQUIRED TO ESTABLISH SAFETY OF ORGANIC PHOSPHATE PESTICIDES

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055; 21 U. S. C. 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F R. 1996) and pursuant to the provisions of the Administrative Procedure Act (sec. 3, 60 Stat. 237, 238; 5 U. S. C. 1002), the following statement of policy is issued:

§ 3.47 *Tests required to establish the safety of organic phosphate pesticides.* (a) Recent experiments show that two organic phosphate pesticides, when fed simultaneously to test animals, are far more toxic than the sum of their toxicities when they are fed separately. One potentiates the toxicity of the other. Preliminary studies indicate that similar potentiation of toxicity occurs with certain other combinations of organic phosphate pesticides; potentiation does not occur with some combinations. The data do not suggest a method for determining, without actual testing, when such potentiation will occur. Until other procedures are developed, the toxic effect of each combination of organic phosphate pesticides must be determined by testing the combination on animals.

(b) In considering a petition for a tolerance or tolerances for an organic phosphate pesticide, the Food and Drug Administration will require experimental evidence showing the toxicity of the compound when fed to test animals with each of the other organic phosphate pesticides that has a tolerance at that time. This requirement will be relaxed if additional scientific evidence shows such action can be taken without hazard to the public health.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: October 16, 1956.

[SEAL] GEO. P LARRICK, *Commissioner of Food and Drugs.*

[F. R. Doc. 56-8452; Filed, Oct. 22, 1956; 8:45 a. m.]

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCE FOR RESIDUES OF OXYTETRACYCLINE

A petition was filed with the Food and Drug Administration requesting the establishment of a tolerance for residues of oxytetracycline in or on uncooked poultry. The petition shows that cooking destroys residues of oxytetracycline that are within the tolerance being established.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2) 68 Stat. 512; 21 U. S. C. 346a (d) (2)), and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)) the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended by adding the following new section:

§ 120.148 *Tolerance for residues of oxytetracycline.* A tolerance of 7 parts per million is established for residues of oxytetracycline in or on uncooked poultry. This tolerance level shall not be exceeded in any part of the poultry.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 408, 68 Stat. 512; 21 U. S. C. 346a)

Dated: October 16, 1956.

[SEAL] GEO. P LARRICK, *Commissioner of Food and Drugs.*

[F. R. Doc. 56-8490; Filed, Oct. 22, 1956; 8:49 a. m.]

Subchapter C—Drugs

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

CAPSULES PENICILLIN AND NOVOBIOCIN

Correction

In F R. Document 56-8311, appearing in the issue for Wednesday, October 17, 1956, on page 7935, in § 141a.21 (a) (1) (ii), line 18, the chemical formula should read "1.2 *N* HCl" instead of "1.2 *N* MCl"

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter H—Forestry

PART 61—GENERAL FOREST REGULATIONS

EXCEPTIONS TO ADVERTISING TIMBER SALES

OCTOBER 16, 1956.

Section 61.14 is amended to read as follows:

§ 61.14 *Advertisement of sales.* (a) (1) Sales of timber shall be made only after advertisement except as provided for in §§ 61.17 and 61.27, and paragraph (b) of this section. The advertisement shall be approved by the officer who will approve the contract. Advertised sales shall be made under sealed bids, or at public auction, or under a combination thereof. If the estimated stumpage value of the timber offered does not exceed $1,000 the advertisement may be made by posters and circular letters. If the estimated stumpage value exceeds $1,000, the advertisement shall also be made in at least one newspaper of general circu-

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lation in the locality where the timber is situated. If the estimated stumpage value does not exceed $10,000, the advertisement shall be for not less than 15 days; if the estimated stumpage value exceeds $10,000 but not $100,000, for not less than 30 days; and if the estimated stumpage value exceeds $100,000, for not less than 60 days.

(2) The officer approving the advertisement may reduce the advertising period because of emergencies such as fire, beetle attack, blowdown, limitation of time, or when there would be no practical advantage to advertise for the specified periods.

(3) If no contract is executed after such advertisement, the officer approving the advertisement may, within one year from the last day on which bids were to be received as defined in the advertisement, sell such timber in the open market upon the terms and conditions in the advertisement and at not less than the advertised value or the appraisal value at the time of sale, whichever is greater.

(b) Timber sales up to $2,000 in value may be negotiated with the approval of the Commissioner of Indian Affairs when the serious condition of the timber or other exigency or emergency requires the immediate sale and removal of the timber or it is impractical to secure competition by formal advertising procedures, or when otherwise specifically authorized by statutes or regulations. In the case of such negotiated transaction it shall be the responsibility of the negotiating officer to establish the documented record of the transaction. He shall prepare a written determination and finding that the transaction is of a type or class allowing the negotiation procedures or warranting departure from the procedures provided in paragraph (a) of this section, a record of the extent of solicitation and competition or a statement of the facts upon which a finding of impracticability of securing competition is based, and a statement of the factors on which the award was based and including a determination as to the reasonability of the price accepted.

(Secs. 7, 8, 36 Stat. 857; 25 U. S. C. 406, 407)

FRED A. SEATON,
Secretary of the Interior

[F. R. Doc. 56-8475; Filed, Oct. 22, 1956; 8:46 a. m.]

Subchapter W—Rights-of-Way

PART 256—RIGHTS OF WAY OVER INDIAN LANDS

MISCELLANEOUS AMENDMENTS

1. Section 256.26 is revised by amending the headnote and adding paragraph (c) to include radio and television communication facilities:

§ 256.26 *Telephone and telegraph lines; radio, television, and other communication facilities.* * * *

(c) Rights of way for poles and lines for communication purposes, and for radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities, shall be limited to 200 feet on each side of the centerline of such lines and poles; radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities shall be limited to an area not to exceed 400 feet by 400 feet.

2. Section 256.27 (a) is amended to read as follows:

§ 256.27 *Power projects.* (a) All applications for authority to survey, locate, or commence construction work on any project for the generation of electric power, or the transmission or distribution of electric power of 33 kv or higher involving lands other than tribal lands dealt with in the exception contained in § 256.2 shall be referred by the superintendent through the area director to the Commissioner who will secure the approval of the Office of the Assistant Secretary of the Interior for Water and Power Development or such other agency as may be designated for the area involved, for consideration of the relationship of the proposed project to the power development program of the United States. Where the proposed project will not conflict with the program of the United States, the area director, upon notification to that effect, will so notify the superintendent, who may then proceeed to act upon the application. In the case of necessary changes respecting the proposed location, construction, or utilization of the project in order to eliminate conflicts with the power development program of the United States, the superintendent shall obtain from the applicant written consent to or compliance with such requirements before taking further action on the application.

(R. S. 161, sec. 1, 30 Stat. 941, sec. 1, 32 Stat. 266, sec. 1, 33 Stat. 359; sec. 4, 37 stat. 194, sec. 6, 62 Stat. 18; 5 U. S. C. 22, 25 U. S. C. 328)

FRED A. SEATON,
Secretary of the Interior.

OCTOBER 16, 1956.

[F. R. Doc. 56-8476; Filed, Oct. 22, 1956; 8:46 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII — National Shipping Authority, Maritime Administration, Department of Commerce

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter XVIII of this title is hereby amended as follows:

1. AGE-1, General Agents, Agents and Berth Agents, is hereby amended by adding the following footnote at the end thereof: "The above referred to books, records, documents and accounts shall be retained until the completion of the audit by the General Accounting Office, at which time the Maritime Administration will take custody of the records."

2. FIS-1, Procedural Rules for Financial Transactions Under Agency Agreements, is hereby amended by adding the following footnote at the end thereof: "The above referred to books of accounts and documents shall be retained until the completion of the audit by the General Accounting Office, at which time the Maritime Administration will take custody of the records."

3. FIS-2, Procedure to be Followed by General Agents in Preparation of Invoices and Payment of Compensation Pursuant to Provisions of NSA Order No. 47, is hereby amended by adding the following footnote at the end thereof: "The above referred to invoices and account books shall be retained until the completion of the audit by the General Accounting Office, at which time the Maritime Administration will take custody of the records."

4. INS-1, Marine Protection and Indemnity Insurance Instructions Under General Agency and Berth Agency Agreements, is hereby amended by adding the following footnote at the end thereof: "The above referred to statements or credit memoranda shall be retained until the completion of the audit by the General Accounting Office, at which time the Maritime Administration will take custody of the records."

5. OPR-1, Slop Chests, is hereby amended by adding the following footnote at the end thereof: "The above referred to records and logs shall be retained until the completion of the audit by the General Accounting Office, at which time the Maritime Administration will take custody of the records."

6. OPR-4, Authority and Responsibility of General Agents to Undertake to Decommission Ships to be Withdrawn from Operation and Placed in a Reserve Fleet, is hereby amended by adding the following footnote at the end thereof: "The above referred to blueprints, instruction books, navigation books, ship's plans and ship's correspondence shall be properly sorted, neatly packaged and stored in a welded store room aboard the ship, when ship is decommissioned."

7. OPR 6, Authority and Responsibility of General Agents to Undertake to Decommission Tankers and Place in a Reserve Fleet, is hereby amended by adding the following footnote at the end thereof: "The above referred to blueprints, instruction books, navigation books, charts, ship's plans and ship's correspondence, shall be properly sorted, neatly packaged and stored in a welded store room aboard the ship, when ship is decommissioned."

8. SRM-1, Expenditure Control and Distribution of Job Orders and Worksmalrep Contracts, is hereby amended by adding the following footnote at the end thereof: "The above referred to Job Orders, Supplemental Job Orders or Worksmalrep Contracts shall be retained until the completion of the audit by the General Accounting Office, at which time the Maritime Administration will take custody of the records."

9. SRM-2, Authority and Responsibility of General Agents to Undertake Emergency Repairs in Foreign Ports, is hereby amended by adding the following footnote at the end thereof: "The above referred to records and supporting documents shall be retained until the completion of the audit by the General Accounting Office, at which time the Mari-

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